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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,514	12/19/2003	Camilo E. Villamil	CE12020JUI	8184

7590 02/08/2007
Scott M. Garrett
Motorola, Inc.
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Fort Lauderdale, FL 33322

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/743,514

Applicant(s)

VILLAMIL ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 11/6/06. These drawings are accepted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Horstemeyer (US 2004/0243664).

Regarding claims 1, 22, 42-44, Horstemeyer discloses a system and method in a mobile communication device for use in a mobile communication system and for providing a status of a user of the mobile communication device, including a transceiver 44 for communicating with the mobile communication system; memory 30a containing at least one event descriptor, the event descriptor defining an event; a user interface 34a for providing information to, and receiving input from the user; a controller (MTCU 15) for evaluating a present status of the mobile communication device against the at least one event descriptor for determining an occurrence of the event defined by the at least one event descriptor; and status response instruction code disposed in the memory which is executed upon the occurrence of the event, as determined by the controller, the status response code causing the mobile communication device to transmit a

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status response message directly to a preselected party when executed by the mobile communication device. See FIGS. 1 and 2, and paragraphs 101, 102 and 111.

Regarding claims 2 and 23, Horstemeyer discloses that providing at least one event descriptor includes providing geographic location parameter in the event descriptor. See paragraph 332.

Regarding claims 3 and 26, Horstemeyer discloses that providing at least one criteria set comprises a time parameter. See paragraphs 109 and 125.

Regarding claims 4, 27 and 46, Horstemeyer discloses alerting a user of the mobile communication device of the occurrence of the event in response to detecting the occurrence of the event; prompting the user of the mobile communication device for an input from the user; and receiving the input from the user before transmitting the status message. See paragraphs 199-201.

Regarding claims 5 and 28, Horstemeyer discloses that prompting the user includes a visual indicator. See paragraph 353.

Regarding claims 6, 29 and 41, Horstemeyer discloses that alerting the user with a visual indicator includes illuminating a status response button on the mobile communication device. See paragraph 264.

Regarding claims 7, 30 and 48, Horstemeyer discloses that prompting the user for an input includes prompting the user with an auditory alert. See paragraph 137.

Regarding claims 8 and 31, Horstemeyer discloses that prompting the user for an input includes prompting the user with a tactile alert. See paragraph 387.

Regarding claims 9, Horstemeyer discloses that prompting the user with a tactile alert includes prompting the user with a vibratory alert. See paragraph 387.

Regarding claims 10 and 32, Horstemeyer discloses that receiving an input includes authenticating the user. See paragraph 320.

Regarding claims 11 and 33, Horstemeyer discloses that authenticating the user includes identifying a fingerprint of the user. See paragraph 320.

Regarding claims 12 and 34, Horstemeyer discloses that authenticating the user includes receiving a password entry from the user. See paragraph 355.

Regarding claims 13 and 35, Horstemeyer discloses that authenticating the user includes performing voice recognition on a speech segment spoken by the user in response to the prompting. See paragraph 263.

Regarding claims 14, 37 and 45, Horstemeyer discloses that receiving the input includes detecting an actuation of a status response button. See paragraph 264.

Regarding claims 15 and 38, Horstemeyer discloses that detecting the occurrence of the event includes detecting a present geographic location. See paragraph 332.

Regarding claims 16, 24 and 39, Horstemeyer discloses that detecting the present geographic location includes using a satellite positioning subsystem of the mobile communication device to determine the present geographic location. See paragraphs 93 and 167.

Regarding claims 17 and 25, Horstemeyer discloses detecting the present geographic location includes receiving location information from a base station providing communication service to the mobile communication device. See paragraph 111.

Regarding claims 18 and 40, Horstemeyer discloses that detecting the occurrence of the event includes receiving a message at the mobile communication device. See paragraph 99.

Regarding claims 19, Horstemeyer discloses that receiving the message at the mobile communication device includes receiving a status inquiry message at the mobile communication device. See paragraph 116.

Regarding claims 20, Horstemeyer discloses that receiving the message at the mobile communication device includes receiving a local wireless message from a source other than a mobile communication system. See paragraph 116.

Regarding claims 21 and 47, Horstemeyer discloses that transmitting the status message is performed automatically in response to detecting the occurrence of the event. See paragraphs 119 and 150.

Regarding claims 49 and 50, Horstemeyer discloses that transmitting context information includes transmitting a background context image and acquiring the image with the mobile communication device. See paragraph 138.

Response to Arguments

4. Applicant's arguments filed 11/6/06 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments. The status of Horstemeyer's MTCU is reported to the PCD via the BSCU, as pointed out by Applicant. This is the same as transmitting the status directly to the intended party, given the broadest reasonable interpretation. The claims do not recite what the preselected party is a party to. Although the

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claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). A device such as a BSCU can act as a party and is therefore interpreted by the Examiner as being a party. The claims do not recite prompting being performed at the mobile communication device or transmitting a notification message. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner suggests that Applicant amend the claims to incorporate the unrecited subject matter argued by Applicant to give the subject matter patentable weight.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER